

**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-12976-2019
Date of decision-20.03.2019**

Naveen Sha

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.12 dated 18.01.2018 registered under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Sadar Sunam, District Sangrur.

Pursuant to the proceedings in the case before the trial Court, the petitioner appeared before the Court and was released on regular bail vide order dated 16.02.2018. However, on 17.12.2018, due to ill health, the petitioner absented. However, the counsel could not be informed in time to move an appropriate application for seeking exemption from appearance on the said date. The trial Court proceeded to cancel the bail and issued the non-bailable warrants. The matter is now fixed for 30.03.2019.

Since the petitioner was already extended the concession of regular bail, therefore, anticipatory bail may not be maintainable and

resultantly, at this stage, learned counsel for the petitioner makes a prayer to treat the petition under Section 482 Cr.P.C. The prayer is accepted.

Notice of motion.

At the asking of the Court, Mr. Harsimar Singh Sitta, AAG, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Learned counsel for the petitioner has argued that the petitioner is ready and willing to join the proceedings and his absence on 17.12.2018 was *bona fide* as the petitioner was not well on the said date.

Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and therefore, it shall necessarily cannot be construed as a deliberate and willful absence. The explanation offered appears to be sufficient.

Considering the above sequence of events, the impugned order dated 17.12.2018 (Annexure P-2) is set aside and the petitioner is allowed to remain on the same bail bonds and surety bonds.

Disposed off.

(MANOJ BAJAJ)
JUDGE

20.03.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No